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Crl.O.P.No.5762 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5762 of 2025

Thirumal @ Malu
S/o.Boopathy

... Petitioner

Vs.

The State Rep. By Inspector of Police
All Women Police Station,
Vellore, Vellore District

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore, Vellore District in Crl.M.P No.72/2025 in Spl.S.C.NO.119 of 2022 dated 04.02.2025.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.side)



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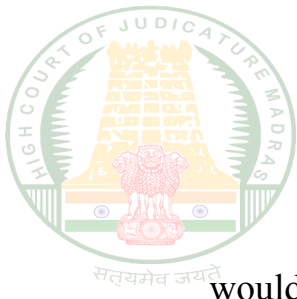
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ORDER

Challenging the order passed by the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore, Vellore District in Crl.M.P No.72/2025 in Spl.S.C.NO.119 of 2022 dated 04.02.2025, the petitioner had filed the present petition.

2. The case of the prosecution is that the petitioner is an accused in Spl.S.C.No.119 of 2022 and facing charges under the Sections 294(b), 506(1) of I.P.C., and Section 5(k), 5(1) of Protection of Child from Sexual Offences Act, 2012 and Sections 92(b) and 92(d) of the Rights of Persons with Disabilities Act. It is stated that P.W.7 namely, Dr.Siva Manju and P.W.8-Investigation Officer were examined by the prosecution on 25.04.2023. While so, the petitioner filed the petition, to recall the P.W.7 and P.W.8 for further cross examination to put certain suggestions and the same was dismissed by the trial Court. Aggrieved by the same, the present petition is filed.

3. The learned Government Advocate appearing for the respondent



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would submit that already the witnesses P.W.7 and P.W.8 have been examined in full. Hence, he prayed for dismissal of this petition.

4. Heard both sides and perused the materials available on record.

5. It is seen that the petitioner had already cross-examined the witnesses PW7 and PW8. After hearing the arguments of both sides, the trial Court has rightly dismissed the petition filed by the petitioner to recall PW7 and PW8. The present petition filed to recall PW7 and PW8 is only to drag on the proceedings. Therefore, this Court does not find any infirmity in the order passed by the trial Court.

6. Accordingly, this Criminal Original Petition is dismissed.

28.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

jd

To

1. The Special Judge for Exclusive Trial of
Cases under POCSO Act,
Vellore, Vellore District.
2. The Inspector of Police
All Women Police Station
Vellore, Vellore District
3. The Public Prosecutor, High Court, Madras.

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